

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6174

BILL NUMBER: HB 1793

NOTE PREPARED: Jan 14, 2007

BILL AMENDED:

SUBJECT: Inmate Credit Time.

FIRST AUTHOR: Rep. Smith V

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: This bill increases the amount of credit time a Class I inmate earns for each day the inmate serves and for completing education and substance abuse programs.

Effective Date: July 1, 2006.

Explanation of State Expenditures: *Summary:* This bill could allow the Department of Correction (DOC) to save over \$100 M in CY 2008 and CY 2009 if the offenders remain in Credit Class I while they are incarcerated and enroll in educational, vocational and substance abuse classes.

Background: The bill would make the following changes to the credit time that a prisoner who is assigned to Credit Class I and is demonstrating a pattern consistent with rehabilitation may earn to reduce the length of incarceration in a state facility.

Proposed Changes in Credit Time		
For completing...	Current	Proposed
Days reduced from sentence for each day in Credit Class I	1 day	2 days
General Education Development Diploma	6 months	1 year
High School Diploma or Associate's Degree	1 year	2 years
Bachelor's Degree	2 years	4 years
Certificate of Completion of a Vocational Education Program, Substance Abuse Program, or Literacy or Life Skills Program	6 months	1 year

In addition to these changes, certain limits on the use of credit time would be increased:

- **Participation in Vocational Programs and Substance Abuse Programs:** Under current law, the maximum amount of credit time that an offender with no substance abuse problem can earn for completing a vocational education program is limited to a total of 12 months. If the person earns more than 6 months of credit for completing vocational education programs, the person is ineligible for substance abuse programs. Under the bill, the credit time allowable for vocational programs would increase to 2 years and the person would be allowed 1 year of credit to still qualify for substance abuse programs.
- **Maximum Earned Credit Time:** Currently, the total amount of credit time that a person can earn from a combination of diplomas and certificates is the lesser of 4 years or 1/3 of the offender's applicable credit time. The bill would increase this limit to the lesser of 8 years or 1/3 of the offender's applicable credit time.
- **Offenders Earning Credit Time Between July 1, 2005, and June 30, 2007:** The bill would require recalculation of credit time for educational credit time earned by a prisoner between July 1, 2005, and June 30, 2007, based on the changes proposed by this bill.

Fiscal Impact of Increasing Good Conduct Credit Time: On December 1, 2006, the offender population in Department of Correction (DOC) facilities was divided into credit classes based on conduct.

Credit Class	Number of Offenders	Time Cuts for Conduct Compliance
I	23,895	Receive one day off sentence for each day in Class I
II	889	Receive one day off sentence for two days in Class II
III	528	No days off sentence
	<u>25,312</u>	Total Offenders

The following table shows the potential number of offenders who would be affected by this bill after taking into account release dates before July 1, 2007, offenders with no release dates, and offenders with release dates after July 1, 2007.

Class I Offenders in DOC Facilities on December 1, 2006	
Release dates prior to July 1, 2007	5,594
No release date due to death sentence, life imprisonment, or because release date is unknown	266
Release dates after July 1, 2007	<u>18,035</u>
Total	<u>23,895</u>

Predicting an exact release date is difficult because some offenders may lose credit time for technical

violations and because all of the factors that determine an offender's release date are not available in the databases that LSA has available. Consequently, the estimated expenditure savings for DOC by the early release of offenders is limited to the period between CY 2008 and CY 2012. On December 1, 2006, 12,481 offenders were in Credit Class I and were projected to be released between July 1, 2007, and December 31, 2012. Using a variable cost of \$12,775 per year (DOC pays county sheriffs \$35 per day to incarcerate DOC offenders), the following represents the expenditures that DOC could avoid by releasing these offenders in an earlier year. The new earliest possible release date was calculated by multiplying 1/3 of the difference between July 1, 2007, and the offender's maximum release date. Since this table only takes into account good conduct credit, the number of offenders released earlier than under current law would likely increase when adjusting for added time reductions for completing substance abuse, educational, and vocational programs.

Number of Class I Offenders in DOC Facilities on December 1, 2006, Projected to Be Released After July 1, 2006, From DOC Facilities Under Current Law and Estimated Based on Proposed Change				
	New Year of Release			
Current Early Year of Release	2007	2008	Cumulative Offenders	Avoided Cost
2007	2,988		2,988	\$0.0
2008	3,706		6,694	\$47.3
2009	2,340		9,034	\$59.8
2010	1,472	102	10,608	\$59.0
2011	840	218	11,666	\$51.2
2012	649	166	12,481	\$49.9

The following table provides further background concerning sentencing patterns based on the number of offenders who were committed to DOC in CY 2006 for having committed a new crime. This table includes the average nominal sentence length by felony class, the average length of sentence based on current good conduct credit time earned, the average length of sentence based on the proposed good conduct credit time earned, and the difference between the two.

Average Maximum Sentence (In Years) for Offenders Committed to DOC in CY 2006 for a New Offense					
Felony Offense Class	Number of Offenders	Nominal Sentence	Length of Time by Earliest Release Date		Difference
			1 Day Credit Time/ 1 Day Served	2 Days Credit Time/ 1 Day Served	
Murder	94	67.7	33.9	22.6	11.3
A	441	30	15	10	5
B	2,214	8.9	4.5	3	1.5
C	2,976	3.8	1.9	1.3	0.6
D	5,727	1.5	0.8	0.5	0.3
Overall Average	11,452	5.2	2.6	1.7	0.9

Fiscal Impact of Increasing Educational Credit Time: The following table shows the offenders who completed an educational, substance abuse, or vocational program at some point in time and who was in a DOC facility on December 1, 2007.

Of the 18,035 Class I offenders in DOC facilities on December 1, 2006, who had an early release date after July 1, 2006, 5,788, or roughly 32%, completed some type of program and earned some additional credit

time. The specific amount of credit time that each offender earned was not able to be determined since the date when these offenders completed the program was not able to be identified.

Offenders in DOC Facilities on December 1, 2006, Completing Academic or Substance Abuse Program		
	Offenders Completing Programs	Total Number of Programs Completed
Associate	1,080	1,110
Bachelor	387	393
GED	2,235	2,306
High School Diploma	108	108
Literary Life Skills	666	669
Substance Abuse	2,038	3,764
Vocational Certificate	1,293	1,484
Total	5,788	

The following table illustrates the maximum amount of time that can be subtracted from an offender's sentence assuming the offender receives full credit for remaining in Credit Class I and completes one or more diplomas and certificates.

Illustrations of the Amount of Maximum Sentence Reductions that Offenders Could Earn Under the Bill (In Years)		
Nominal Sentence	<i>Current Law</i>	<i>Proposed</i>
25	4	8
20	4	7.1
17.5	4	6.6
15	3.8	6
12	3.3	5.3
5	2.2	3.8

Fiscal Impact of Changes in Good Conduct Credit: The state would save the cost of incarcerating the offender for the period in question if an offender is released from a correctional facility earlier than the offender otherwise would be. The average annual cost of incarceration in a state facility was \$22,734 in FY 2006.

The specific amount of credit time that the offender will earn will depend on when the offender begins the program and when the offender completes it.

Increasing Waiting Lists, Shifting Offenders, and Parole: If offenders become interested in enrolling in educational programs in order to reduce length of a prison sentence, programs could fill and the waiting lists for programs may increase. Currently, waiting list size depends on the facility, and DOC indicates that when waiting lists are high in some facilities, offenders will sometimes be transferred to other facilities so they can participate sooner in the program. This leads to three potential increases in cost:

- This bill could increase the waiting list for enrolling in programs depending on the interest of the offenders. Increasing the waiting lists to enroll could potentially increase the need for more programs.
- If waiting lists increase at certain facilities, DOC may have to relocate additional prisoners to other facilities so that they may participate in programs sooner.
- If offenders are released on parole earlier than under current statute, then the number of offenders on supervision by parole officers would increase temporarily until the offender is finally released from parole. The added burden will depend on which part of the state these offenders relocate.

Explanation of State Revenues:

Explanation of Local Expenditures: If offenders are sentenced to be released to probation earlier than under current statute, then the number of offenders supervised by probation officers would increase temporarily. The added burden will depend on which counties these offenders would relocate.

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected: Probation Offices.

Information Sources: Department of Correction.

Fiscal Analyst: Mark Goodpaster, 317-232-9852.